

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6427**

**BILL NUMBER:** HB 1420

**NOTE PREPARED:** Dec 5, 2002

**BILL AMENDED:**

**SUBJECT:** Driving While Intoxicated and Causing Death.

**FIRST AUTHOR:** Rep. Oxley

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it a Class B felony instead of a Class C felony for a person to cause the death of another person when driving while intoxicated. It removes a provision that makes the offense a Class B felony if, within five years preceding the commission of the offense, the person had a prior unrelated conviction for driving while intoxicated.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class C felony is punishable by a prison term ranging between two and eight years, depending upon mitigating and aggravating circumstances. A Class B felony is punishable by a prison term ranging from six to twenty years. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily per prisoner.

Since these offenders would have a later date of release, enhancing this offense from a Class C felony to a Class B felony could increase the number of beds needed if no other change occurs. Between FY 1997 and 2001, an average of 24 offenders were committed to Department of Correction (DOC) facilities for operating while intoxicated and causing death. The average length of stay for a Class C felony is approximately 1.9 years, while the average length of stay for Class B felony is approximately 3.7 years.

Based on the commitment data reported by the Department of Corrections and an effective date of legislation being July 2003, an additional 48 beds are estimated to be needed for DOC facilities by 2005. The

commitment data also indicates that one offender a year is committed to a DOC facility for Class B felony operating a vehicle while intoxicated causing death. There would be no effect on the number of beds needed to house these offenders, assuming a change in the law.

**Explanation of State Revenues:** No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class C or B felonies.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** No additional revenues would be expected since the court fees for Class C and Class B are both \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

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